

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID EARL POPE,

No. C 06-1829 SI (pr)

Petitioner,

**ORDER FOR REPLACEMENT
TRAVERSE BRIEFING**

v.

ROSEANNE CAMPBELL, warden,

Respondent.

Petitioner has filed excessive briefing in support of his traverse, which was particularly unwelcome in light of the court's specific order that he had a 25-page limit. The court's May 1, 2007 Order Dismissing Motion For Summary Judgment stated: "Petitioner is cautioned that his traverse must include all of his arguments about all of his claims. He is further cautioned that the traverse may not exceed 25 pages in length and must be double-spaced text (whether handwritten or typed)." A month later, he filed a 4-page traverse, a 50-page memorandum of points and authorities in support of the traverse, and "exhibits" that included a 16-page memorandum of points and authorities in support of his claim that he was denied self-representation at the preliminary hearing as well as a 31-page memorandum of points and authorities in support of his claim that he was improperly denied advisory counsel. Labeling parts of the briefing as "exhibits" does not alter the fact that they are legal arguments. The traverse and memoranda of points and authorities in support thereof total 101 pages in length, which makes them 76 pages longer than allowed by the order limiting the traverse to 25 pages in length. The court STRIKES the memoranda of points and authorities (docket # 27) and the "Exhibits Vol. 2" (docket # 28) for failure to comply with the court order and will not consider

1 them in ruling on the petition for writ of habeas corpus. Petitioner has not shown good cause
2 for the excessive length of his briefing; his request to file a memorandum of points and
3 authorities in excess of 25 pages therefore is DENIED. (Docket # 25.)

4 The court will permit petitioner to file a replacement memorandum of points and
5 authorities in support of his traverse that includes all of his legal arguments about all of his
6 claims. The replacement memorandum must not exceed 25 pages in length, regardless of
7 whether it is handwritten or typed double-spaced. The replacement memorandum must be filed
8 and served no later than **July 27, 2007**.

9 Petitioner's motion for extension of time to file his traverse is DISMISSED as moot.
10 (Docket # 23.)

11 IT IS SO ORDERED.

12 DATED: June 20, 2007



SUSAN ILLSTON
United States District Judge